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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,787	04/12/2001	Andrew O. McKee	200985US-56	1448

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EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/832,787	Applicant(s) MCKEE ET AL. <span style="float: right;">js</span>	
	Examiner Robert M. Pond	Art Unit 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 22 September 2004.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-52 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-52 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All    b) ☐ Some \*    c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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## **DETAILED ACTION**

### ***Response to Amendment***

The Applicant amended independent Claims 1, 15, 35, and 36 and amended dependent claims as necessary for consistency. All pending claims (1-52) were examined in this final Office Action necessitated by amendment.

### ***Response to Arguments***

#### **Rejection under 35 USC 102**

Applicant's arguments, see Remarks, filed 22 September 2004, with respect to rejection under 35 USC 102 have been fully considered and are persuasive. The rejection under 35 USC 102 of Claims 1, 2, 5-7, 12, 15, 16, 18-20, 26-27, 35-37, 39, 40, and 44 has been withdrawn as necessitated by amendment.

#### **Rejection under 35 USC 103**

Applicant's arguments filed 22 September 2004 have been fully considered but they are not persuasive. The Applicant amended independent Claims 1, 15, 35, and 36 and amended dependent claims for consistency, and based arguments on the amended claimed subject matter. Broadvision in view of Merriam-Webster's dictionary teaches a consortium as noted below for Claims 1, 2, 5-7, 12, 15, 16, 18-20, 26, 27, 35-37, 39, 40, and 44.

Rejection under 35 USC 103

Applicant's arguments filed 22 September 2004 have been fully considered but they are not persuasive. Arguments for Claims 3, 4, 8-11, 13, 14, 17, 21-25, 28-34, 38, 41-43, and 45-52, rely upon arguments set forth for independent Claims 1, 15, 35, and 36. The Examiner respectfully disagrees with the Applicant for the reasons noted above.

Official Notice (regarding well within the skill)- Claims 13, 14, 24, 25, and 43

The Applicant did not traverse the examiner's assertion of well within the skill. The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse or adequately traverse the examiner's assertion of official notice (MPEP 2144.03(C)).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claims 1, 2, 5-7, 12, 15, 16, 18-20, 26-27, 35-37, 39, 40, and 44 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3, PTO-892, Items: U-V), in view of**

**Official Notice (regarding well within the skill hereinafter referred to as "ON2").**

BroadVision teaches BroadVision being issued US 5,710,887 (hereinafter referred to as Chelliah; a courtesy copy was provided for the Applicant's convenience in Paper #3). BroadVision teaches patent protection covering its "One-to-One" Application System (U: see at least pages 1-2). BroadVision teaches integrating its One-to-One Application into an extranet supporting online commerce, customer service, and knowledge management initiatives, and servicing the extended enterprise comprising sales personnel, project personnel, suppliers, and customers. BroadVision further teaches BroadVision's One-to-One applications servicing travel industries (V: see at least pages 1-2). BroadVision further teaches:

- A digital repository: central repository; product database (Chelliah: see at least Fig. 2 (116); col. 6, line 3; col. 12, lines 10-11).
- A processor coupled to repository: (see at least col. 31, lines 9-15).
- Computer readable medium: computer readable medium containing executable code by a processor is inherent in the system of BroadVision that requires processors, computers, and servers (see at least col. 1, line 29).
- Member management mechanism: store management controls the commerce subsystems (see at least Fig. 1 (20); col. 6, lines 49-52).

- Consumer interface: (see at least Fig. 1 (13); Fig. 2 (140); col. 6, lines 26-31).
- Lead generating mechanism: promotions subsystem; collect customer-based and store-based sales data (see at least col. 7, line 14, 49-51).
- Internet, transmission protocol, WWW: (see at least col. 12, lines 1-9).

Broadvision teaches all the above as noted under the 103(a) rejection and teaches an electronic mall system comprising one or more merchant web storefronts managed by the mall server, but does not disclose the mall merchants as a consortium. The Examiner notes that by definition a consortium is an agreement, combination, or group (as of companies) formed to undertake an enterprise beyond the resources of any one member (Merriam-Webster's Dictionary). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Chelliah to disclose a consortium, since it is well within the skill to ascertain that mall merchants as a group of companies are forming an enterprise beyond the resources of any one member.

2. **Claims 3, 4, 17, and 38 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3, PTO-892, Items: U-V), and ON2 (regarding well within the skill), as applied**

**to Claims 1, 15, and 36, further in view of PR Newswire (Paper #3, PTO-892, Item: W, hereinafter referred to as "PRN").**

BroadVision and ON2 teach all the above as noted under the 103(a) rejection and teach a) servicing travel industries, b) conducting targeted marketing based on customer demographics and purchase history profile, and c) integrating into an extranet environment to extend services to company employees, suppliers, and customers, but do not specifically disclose travel-related services. PRN teaches Carlson Leisure Group, a world leader in leisure travel and travel agency franchising, delivering critical business information to more than 10,000 travel agents worldwide. PRN teaches integrating BackWeb's platform into Carlson's extranet to automatically deliver critical business information to the desktop: pricing, airline inventory that agents can immediately sell to consumers, travel news, and promotional information (W: see at least pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify BroadVision and ON2 to disclose travel-related products and services as taught by PRN, in order to convey the types of travel industry products and services available to the consumer, and thereby attract consumers to the online service.

- 3. Claims 8-11, 21-23, 28-31, 34, 41, 42, 45-48, and 51 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3, PTO-892, Items: U-V) and ON2 (regarding well within the**

**skill), as applied to Claims 1, 15, and 36, further in view of Conklin et al. (Paper #3, patent number 6,141,653, hereinafter referred to as "Conklin").**

BroadVision and ON2 teach all the above as noted under the 103(a) rejection and teach a) servicing travel industries, and b) integrating into an extranet environment to extend services to company employees, suppliers, and customers, but do not specifically disclose providing a member web site building mechanism to provide the member with tools to build a member web site. Conklin teaches a) online communities sharing information, b) extranets and providing a web site authoring tool for members to create their own web sites, c) at least one of Java, scripting, C++, and libraries (please note: Conklin teaches Java, scripting, C++, and libraries), d) email notifications to members indicating an inquiry or order needs attention, and e) member product information (see at least Fig. 10-1; Fig. 31a-d; col. 2, lines 51-54; col. 14, line 66 through col. 15, line 6; col. 19, lines 14-31; col. 20, lines 31-33; col. 27, lines 33 through col. 28, line 36; col. 33, lines 40-41; col. 25, lines 60-65). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify BroadVision and ON2 to disclose web site authoring, Java, email notifications, and member product information as taught by Conklin, in order to help members increase online business through the extranet site.

- 4. Claims 13, 14, 24, 25, and 43 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3,**



**PTO-892, Items: U-V) and ON2 (regarding well within the skill), as applied to Claims 1, 15, and 36, further in view of Conklin (Paper #3, patent number 6,141,653), further in view of Official Notice (Paper #3, regarding well within the skill hereinafter referred to as "ON1")**

BroadVision and ON2 teach all the above as noted under the 103(a) rejection and teach a) servicing travel industries, and b) integrating into an extranet environment to extend services to company employees, suppliers, and customers, but do not specifically disclose providing a member web site building mechanism to provide the member with tools to build a member web site. Conklin teaches a) online communities sharing information, b) extranets and providing a web site authoring for members to create their own web sites, c) at least one of Java, scripting, C++, and libraries (please note: Conklin teaches Java, scripting, C++, and libraries), d) email notifications to members indicating an inquiry or order needs attention, and e) member product information (see at least Fig. 10-1; Fig. 31a-d; col. 2, lines 51-54; col. 14, line 66 through col. 15, line 6; col. 19, lines 14-31; col. 20, lines 31-33; col. 27, lines 33 through col. 28, line 36; col. 33, lines 40-41; col. 25, lines 60-65). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify BroadVision and Webster to disclose web site authoring, Java, email notifications, and member product information as taught by Conklin; in order to help members increase online business through the extranet site.

BroadVision and ON2 teach all the above as noted under the 103(a) rejection but does not disclose finding a member by name. Conklin teaches all the above as noted under the 103(a) rejection and teaches a) using a search engine to find a seller's information, b) registering the seller's company name, products, and other data with the community's internal search engine, and c) submitting seller's name and URL being to search engines (see at least col. 14, lines 3-4, 12; col. 29, lines 2-25). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify BroadVision and ON2 to implement member search by name as taught by Conklin, in order to provide added convenience for the customer, and thereby attract customers to the service.

BroadVision, ON2, and Conklin teach all the above as noted under the 103(a) rejection and teach creating buyer inquiries and leads through targeted promotions and advertisements using electronic commerce systems, and further teach sending email alerts and notifications for members to follow-up on inquiries. BroadVision, ON2, and Conklin, however, do not disclose sending a reminder to a member receiving the inquiry if the member has not followed up on a lead within a predetermined amount of time. It would have been obvious to one of ordinary skill in the art at time of the invention to send a reminder after a predetermined amount of time, since it is well within the skill to ascertain that a sales lead represents money invested to create the lead and potential revenue opportunity, and therefore a reminder would be a prudent practice in order to prevent wasting a lead.

- 5. Claims 32, 33, 49, 50, and 52 are rejected under 35 USC 103(a) as being unpatentable over BroadVision (a collection of articles cited in Paper #3, PTO-892, Items: U-V), ON2 (regarding well within the skill), and PRN (Paper #3, PTO-892, Item: W), as applied to Claims 15 and 36, further in view of Borcover (Paper #3, PTO-892, Item: X).**

BroadVision, ON2, and PRN teach all the above as noted under the 103(a) rejection and teach Carlson Leisure Group's enterprise-wide extranet connecting more than 10,000 travel agents, managing more than 1,000 travel agency locations and further teach a variety of Carlson subsidiaries with specializations (e.g. Carlson Vacations (Russia), UK Inspirations tour operations, North American agents, etc.). BroadVision, ON2, and PRN, however, do not disclose providing consumers with specialization and certification information. Borcover teaches the importance for consumers to seek travel agents with credentials and certifications (X: see pages 1-2). Therefore it would have been obvious to one of ordinary skill at time of the invention to modify the method of BroadVision, ON2, and PRN to supply consumers with agent credential and certification information as taught by Borcover, in order to bolster consumer confidence in the service being offered, and thereby attract consumers to the service.

BroadVision, ON2, and PRN teach all the above as noted under the 103(a) rejection but do not disclose providing training to receive a certification. Borcover teaches Carlson Wagonlit, AAA, American Express, Uniglobe, and other groups

having access to training, education, and supplier arrangements, and further teaches agents receiving certification from the Institute of Certified Travel Agents, or agents receiving certifications as cruise specialists or destination specialists. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of BroadVision, ON2, and PRN to enable members to receive training for certification purposes as taught by Borcover, in order to help members receive certification, and thereby attract consumer desiring to deal with certified agents.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

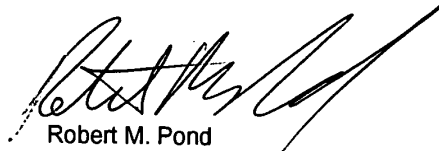
Any response to this action should be mailed to:

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or faxed to:

703-872-9306 (Official communications; including After Final  
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Robert M. Pond  
Primary Patent Examiner  
December 23, 2004